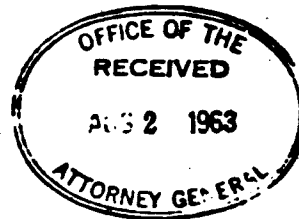


A REPORT OF THE
NEW YORK ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

To Mr. Marshall
~~Commissioner~~
Miss



AUGUST 1963

NEW YORK STATE JUDICIAL CONFERENCE

Richard Sachs, Chairman
New York

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New York

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Elmira

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New York

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Buffalo

Whitney Marshall Seymour
New York

PREFACE

This report was submitted to the United States Commission on Civil Rights by the New York Advisory Committee. The New York Committee is one of the 51 Committees established in the 50 States and the District of Columbia by the Commission pursuant to section 105(c) of the Civil Rights Act of 1957. Its membership consists of interested citizens of standing who serve without compensation. Among the functions and responsibilities of the State Advisory Committees, under their mandate from the Commission on Civil Rights, are the following:

(1) To advise the Commission of all information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; (2) to advise the Commission as to the effect of the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; and (3) to advise the Commission upon matters of mutual concern in the preparation of its final report. The Commission, in turn, has been charged by the Congress to investigate allegations, made in writing and under oath, that citizens are being deprived of the right to vote by reason of color, race, religion, or national origin; to study and collect information regarding legal developments constituting a denial of equal protection of the laws; to appraise Federal laws and policies with respect to equal protection; and to report to the President and to the Congress its activities, findings, and recommendations.

In the fall of 1962, the New York State Advisory Committee to the United States Civil Rights Commission appointed a subcommittee, under the chairmanship of Professor William M. Murphy, to study whether there was a clear pattern of discrimination against Negroes in the building trades industry in New York City. The subcommittee was able to procure the services of Dr. Donald Shaughnessy of Columbia University to do most of the field work in the project. The material in this summary report is largely derived from Dr. Shaughnessy's report.

The study was necessarily limited by the relatively small amount of time that could be devoted to this complex subject. A further--and unnecessary--limitation was encountered as a result of the general policy of non-cooperation followed by leaders of the building trades unions. With few exceptions, union officials failed to assist the study in any way--making it difficult or impossible to obtain information that was readily available.

Despite these limitations, the study serves to demonstrate that Negroes are denied access to employment in most of the building trades in New York City. The study further indicates that retention of present practices in admission to apprenticeship programs will mean that Negroes can expect no more than token participation in most of the building trades in the future. Our report considers some of the economic and other factors that lead to these practices and recommends that these practices be modified.

**DISCRIMINATION IN THE BUILDING TRADES
IN NEW YORK**

BUILDING CONSTRUCTION IN NEW YORK CITY

At six-sixteen on weekday mornings a train leaves Bridgeport, Connecticut, carrying a group of commuters relatively unknown to the general public. They are men with skills in the building trades who arrive in New York City at seven-thirty, and report to construction jobs. It costs about \$15.00 a week to commute from Bridgeport to New York, but a union electrician earns \$200.00 per week, and the work is steady.

These blue-collar commuters represent one of the many indications of the obvious fact that New York City is in the midst of a continuing boom in large construction. There is presently more office space in New York City than in the next 15 largest cities combined. Despite rows of office towers like those north of Grand Central on Park Avenue and rows of residential towers like those all along Third Avenue, there are estimates that the backlog of needed construction in New York City may take decades to fill.

How do these buildings get built? With wide allowance for oversimplification the process can be summarized as follows:

When the architect has completed his design and specifications, general contractors competent in the size of job being undertaken submit bids to the owners. Subcontractors (electrical firms, plumbing firms and the like) have previously submitted bids to the general contractor upon which his bid, in part, is based. The contract is then awarded to a general contractor--who engages subcontractors--and men begin to appear to perform the work in the specialized trades. First the excavation, then the other trades in their turn appear on the job.

Most firms in the building industry are not large; they do not steadily employ a large number of skilled workers. These firms build a product that is immobile. This product must be built in the city, essentially by local contractors and subcontractors--and in particular by a locally based labor force.

The men who build New York City's buildings are recruited from labor pools controlled by the unions in the building trades. The union is the employment agency and the men who appear on the construction job--whether they be local or "out-of-town" men--are the men whom the union permits to appear. Since a building cannot be erected in Detroit or Atlanta and shipped to New York and since the unions regulate the local use of "out-of-town" labor, the labor supply is rigidly controlled.

The construction worker tends to identify with his union for a number of reasons. He is rarely on any job for a great length of time. He may well have five or six employers in one year. He is not likely to develop an attachment for a particular firm or to have steady fellow-workers from year to year, and of course, he has no fixed place of work. His job security comes from the local union. The local union is not only his hiring hall but the place where his friendships are formed and the continuing stable element in his employment. Local unions may or may not be ethnocentric but their members are likely to be united against outsiders. In one local "outsiders" may mean people not of Italian ancestry, in another it may mean Jews. For most unions in the building trades, as for many other institutions, color is the most readily identifiable badge of non-membership.

With those economic and social bonds to his local union, the man in the building trades is little concerned with the "labor" views on the subject of race relations. George Meany, once a plumber, now President of the AFL-CIO, concedes that local unions can effectively disregard the resolutions opposing discrimination that are regularly adopted by federated bodies in the labor movement. On the bread-and-butter issues it is not the international or any council that delivers --but the local union.

This is not to say that the building trade unions lack the ability to unite in support of their common interests. In the building and construction trade department of the AFL-CIO there are 19 international unions. New York City locals of these unions form the New York City Building and Construction Trade Council. This Council serves as a very effective spokesman for the building trade unions in city and State legislative halls and executive departments. While the Council is active and effective in speaking to the outside world on behalf of its constituent locals, it has not traditionally exerted effective internal pressures. (The Council's president, Peter J. Brennan, assured Mayor Wagner on June 6, 1963, of "an all-out effort to end discrimination in building trades unions." This assurance clearly must be qualified in view of the Council's mixed reaction to proposals to secure more Negro and Puerto Rican apprentices.)

In brief, the economic structure of the building industry tends to concentrate in the local unions the decision as to who obtains employment and, even more important, who gets admitted to the craft. The dominating role of the union in construction employment affords to contractors the opportunity to disclaim all responsibility for discrimination in the building trades. The employers seem to welcome the opportunity, which accords with their consistent tendency to avoid "rocking the boat." Our study found no instance in which an employer sought to promote equal employment opportunity in the building trades.

APPRENTICESHIP

Current apprentice programs provide from one-half to two-thirds of the skilled workers needed simply to replace craftsmen who retire, die, or leave the trade. By fixing the number of apprentices in accordance with a ratio of apprentices to journeymen (the mean ratio is 1:6), and not in accordance with present or future demand, the building trades unions continue to maintain an effective shortage of labor. One way that this shortage is preserved in the face of continuing high demand is in the use of commuters like those from Bridgeport who represent an auxiliary source of manpower that can be cut off at any time.

While 120-mile-per-day commuters have found steady employment for several years, a local source of skilled manpower is ignored. New York City has 22 vocational high schools in 5 of which are taught skills used in the building trades. These schools are financed by Federal, State, and city funds. The best qualified graduates of the vocational schools often take low-paying nonunion jobs, or jobs outside the trade. Federal and State apprenticeship agencies have not been heard to complain that Negro youngsters, taught a trade at public expense, are consistently deprived of the opportunity to practice it.

New York State law on the subject is clear and precise. Section 296 of Article 15 of the Executive Law prohibits discrimination by employers in hiring, compensation, employment privileges, working conditions and discharges, prohibits union discrimination in membership, and bars discrimination by employers and unions in admission to apprentice training, on-the-job training, and the like. This policy is also reflected in the existence of agencies such as the State Commission for Human Rights, the New York City Commission on Human Rights, and the Civil Rights Bureau of the State Attorney General's office. The last-named agency is largely responsible for the fact that, in the State of New York, there are now two Negroes in the apprentice training program of the Plumbers Union.

The national agency in the field of apprenticeship is the Bureau of Apprenticeship and Training in the United States Department of Labor. The Bureau has an essentially passive role in certifying and registering apprentice training programs. This role is of no great importance since less than half of the apprentice programs in the city are certified by the Bureau. The Bureau appears to have been neutral in the matter of racial discrimination, an inappropriate posture the abandonment of which is recommended, at the end of this report.

First, let us review the practices of several of the unions in New York City:

1. Local 28, International Sheetmetal Workers Union.

There has been no significant change in the size of this local in the past ten years, despite the fast increase in construction. There are no Negroes among its 3,300 members nor among its 75 apprentices. Admission to the apprentice program of the Sheetmetal Workers Union is on the basis of a personal interview with a joint committee. The applicant is usually sponsored by a union member, sometimes by an employer. The union states that there are four applicants for every vacancy but gives no indication that any applicant sponsored by the union has ever been rejected. The apprentice committee maintains no liaison with vocational schools. Its apprentices attend a union school which obtains no government support. Various requirements are listed for admission to the apprenticeship program, but they are not applied to sponsored applicants. In March 1963, the Civil Rights Bureau of the Attorney General's office charged Local 28 with discriminatory practices.

2. Local 2, United Association of Journeymen Plumbers and Steamfitters.

The Plumbers Union says it has four applicants for apprenticeship for every apprentice who can be accepted. On the other hand, the union admits that there are 1,000 out-of-town plumbers working in New York City. Of 3,300 members of Local 2, none are Negroes. While there are requirements that theoretically apply to admission to the apprenticeship program, the main practical requirement has to do with bloodlines. Eighty to 85 percent of those admitted to membership are sons or nephews of Local 2 members. Members of this union consider that the right to nominate apprentices is among the important benefits of union membership.

3. District Council of United Brotherhood of Carpenters and Joiners (42 Locals).

The Council has 34,000 members of whom over 5,000 are Negroes. While there tend to be predominantly white and predominantly Negro locals, the Carpenters Union has provided the only substantial employment opportunity for Negroes in the building trades.

4. Local 60, Operating Plasterers and Cement Masons International Association.

In this union there is a larger ratio of Negroes presently employed in the trade than in its apprenticeship program. Three hundred of 2,000 members of Local 60 are Negroes, as compared to 5 of the 80 apprentices. In Local 60's apprenticeship program, as in most others, no aptitude tests or objective standards are applied in the admission of apprentices.

5. Local 14 and 14S of the International Union
of Operating Engineers.

This union trains its members through Apprenticeship Local 15--a three-year program. Unlike most other union members, the operating engineers must take an objective examination, administered by the New York City Department of Buildings. The examination is open--not limited to union members. After passing the examination, an apprentice must obtain two sponsors (members of Local 14 - 14S) in order to be admitted to the union. Thus far only 23 Negroes have been admitted to the 1,600-member union.

6. Local 3, International Brotherhood
of Electrical Workers.

Local 3 recently won fame in securing a five-hour day. This union has different levels of membership, the most important of which is "A-Card construction worker." These men (who won the five-hour day) comprise 9,000 of the 30,000 members of Local 3. The number of Negroes who hold the A-Card and earn \$5.00 per hour is small, estimates ranging from 300 to 400. There are about 2,250 men from outside New York City working in electrical construction, filling jobs from which qualified vocational school graduates are excluded. On the lower level of Local 3, members work for the lamp and lamp shade manufacturing industry and are paid about \$2.00 per hour.

In the spring of 1962, Mr. Harry Van Arsdale, president of Local 3, announced that the union would recruit 1,000 new apprentices, on a nondiscriminatory basis. The Urban League forwarded the names of 51 qualified Negroes and the NAACP forwarded 57 names. Negroes and Puerto Ricans were recruited from other sources and a total of 1,600 apprentices were screened by a nonunion committee of three men, one of whom was a Negro. One thousand and twenty apprentices were admitted to the program including about 140 Negroes and about 60 Puerto Ricans. This dramatic result and Local 3's broad recruiting effort is, so far as we know, without parallel in any building trades union in the country.

In the course of its inquiry, the New York State Advisory Committee became aware of undocumented charges to the effect that the approximately 200 Negro and Puerto Rican apprentices have not entered into regular apprenticeship channels, but are being utilized to perform unskilled labor. This issue was raised by Committee Chairman Sachs in a meeting with Mr. Harry Van Arsdale, business manager of Local 3, IBEW, and Mr. Theodore W. Kheel, Director of the Office of Impartial Review of the Electrical Industry. Mr. Sachs received unequivocal assurances from both Mr. Van Arsdale and Mr. Kheel that these charges are unfounded, and that the 200 apprentices in question are undergoing regular apprenticeship training leading, in the course of four years, to full journeyman status and a Class-A union membership card, on the same basis as all other apprentices.

The six examples listed above illustrate that control of apprenticeship programs gives the building trades unions a potent weapon against the possibility of future unemployment. By restricting the apprenticeship program, the union can continue to maintain a chronic labor shortage and to assure reasonably full employment for their members. Entry into such a well-protected, high-paying career is an outstanding employment opportunity. These employment opportunities have, in effect, become union property. A union leader who is not skilful in dispensing this property may lose his position. They and the rank-and-file members combine their power at the bargaining table has won them control of apprenticeship opportunities.

The unions have maintained a tight rein on apprenticeship openings despite the current widespread projections of a continued high level of new construction. Current projections by the Department of Commerce indicated that for every 100 men skilled in the building trades in 1955, 122 would be needed in 1965 and 145 by 1975. Current apprenticeship programs not only fail to provide for this growth but, as noted above, fail to produce enough journeymen to replace those who retire, die, or leave the trade.

In keeping with this static philosophy of apprenticeship, Negro participation has remained relatively constant. In 1950, Negroes constituted 1.5 percent of the apprentices and 13 percent of the population of New York City. In 1960, Negroes constituted 2 percent of the apprentices and 22 percent of the population of New York City. It is estimated that by 1970 Negroes will constitute about 33 percent of the population of New York City. If Negro participation in apprenticeship programs continues to bear no relation to the size of the Negro population, then larger and larger numbers of Negroes will be obliged to compete for the dwindling supply of unskilled jobs.

The alternatives are essentially three:

1. Retention by the building trades unions of presently prevailing practices. This is likely to result in no substantial increase in Negro and Puerto Rican apprenticeship.
2. Voluntary adoption by other unions of programs like that of Local 3, IBEW, with positive efforts to recruit Negroes and Puerto Ricans and an objective body to screen and approve apprenticeship applicants.
3. Adoption by public authorities of regulations, contract policies, and other practices which provide objective criteria for apprentice selection and enforce compliance by the manner in which public funds are expended and withheld.

While our study was limited, it was sufficient to reject the first alternative as inadequate and to conclude that while the second alternative may be more desirable, the third is required for prompt and effective action.

RECOMMENDATIONS

The New York State Advisory Committee recommends to the United States Commission on Civil Rights that steps be taken to bring about the following changes in present practices:

1. (a) That the Federal Bureau of Apprenticeship and Training be authorized and empowered to require that all apprenticeship programs in the construction industry be registered by the Bureau; that it establish, in consultation with representatives of unions and management, objective criteria for admission to apprenticeship programs; that it determine the number of available apprenticeship openings in each program, giving consideration to the skilled manpower needs of the nation as well as to those of the industry and the immediate locality; and that it establish a meaningful and effective evaluation system for each of the trades;
 - (b) That the Federal Bureau of Apprenticeship and Training be authorized and empowered to require that all notices of acceptance and rejection to apprenticeship programs be filed with the Bureau, and that acceptances and rejections be accounted for in terms of the established objective criteria of admission;
 - (c) That the Federal Bureau of Apprenticeship and Training be authorized and empowered to conduct systematic apprenticeship recruiting programs, in part by means of uniform vocational guidance procedures in public schools, and to investigate, on its own initiative, apprentice training programs which are, or are believed to be, engaged in discriminatory practices.
2. (a) That departments, agencies, offices, and bureaus of the Federal Government be required to withhold all financial support from apprenticeship programs which fail to admit qualified Negro applicants or fail to comply with the requirements of the Bureau of Apprenticeship and Training described above;

- (b) That departments, agencies, offices, and bureaus of the Federal Government be required to withhold all financial assistance from any contractor and from any building project employing the labor of any union or local thereof which cannot give satisfactory proof that it does not follow discriminatory practices.

3. In the event that the foregoing procedures are found to be ineffective, we recommend that Congress enact legislation declaring that admission to apprenticeship in the construction trades is a matter affecting interstate commerce and that such admission be vested in a suitable agency empowered to adopt and enforce procedures analogous to those employed by the Civil Service Commission.

The foregoing is a report which primarily summarizes material supplied to the New York State Advisory Committee by Dr. Donald Shaughnessy. It also draws upon "Apprentices, Skilled Craftsman and the Negro," a publication of the New York State Commission for Human Rights, and the experience of Frank Logue, Regional Consultant to the United States Commission on Civil Rights for New York and the New England States.

The Federal Bureau of Apprenticeship and Training, created to promote and improve standards of apprenticeship, clearly has lacked the power (and apparently the inclination) to enforce nondiscrimination as a "standard" of admission to apprenticeship.

6. The men who now control admission to apprenticeship programs remember with fear the chronic job scarcity of the 1930's. This memory and their enormous bargaining power suggest that union leaders will not lightly surrender the prerogative of regulating admission to apprenticeship programs.

7. The admission of Negroes to apprenticeship beyond a token basis requires that there be introduced into the present personal, subjective procedures for entry into apprenticeship programs standards that are objective and public. Recommendations that fail to move in this direction do not come to grips with the economic realities and the highly personal relationships that underlie the present system. If the building trades unions insist on retaining the present "patronage" approach, they will eventually be confronted with a form of "civil service" selection analogous to that which has deprived the political parties of their former control of most areas of public employment.

8. The commendable voluntary approach of Local 3, IBEW, actively recruiting of minority group youngsters and investing apprentice selection upon an independent group, has not been followed by other unions, and as of July 1963, there is little indication that it will be adopted by other building trade locals in New York City.

Our conclusions and recommendations follow:

CONCLUSIONS

1. Participation of Negroes in the building trades in New York City ranges from total exclusion in some trades (sheetmetal workers, plumbers) through token participation in others (plasterers, operating engineers) to substantial, if often segregated, local union membership in others (carpenters).
2. Access to employment in the building trades is substantially controlled by local unions. Through apprenticeship programs actually subject to the joint control of unions and management, the unions determine who shall acquire the skills--and the journeyman training--necessary to employment on nearly all new construction in the city.
3. The number of persons admitted to apprenticeship in any year is not determined by current demand but by the ratio of apprentices to journeymen deemed appropriate by agreement of the union and the employers in a given trade. Where demand continues to be high over a period of years as it recently has, "out of town" men are imported temporarily to meet the demand.
4. By rigid limitations on the number of apprentices, the unions have maintained a chronic labor shortage in the building trades. Admission to and completion of an apprenticeship program is fair assurance of reasonably steady employment for a regular work week and extremely high pay for overtime work. Union members value highly the right to secure admissions to apprenticeship programs--and tend to exercise it (especially in the plumbers union) in favor of their sons, nephews and others with whom they have personal connections.
5. Since admission to apprenticeship is exercised largely on a personal basis, and by persons already pursuing the various trades, patterns of exclusion of Negroes will tend to be perpetuated. The elaborate Federal, State, and local apprenticeship structure leaves essentially untouched the crucial subjective decision as to who is admitted to apprenticeship in the building trades--for example:

Five New York City high schools train young men in the building trades. Their honor graduates have less chance of admission to an apprenticeship program than any business agent's nephew.

The complex New York State Apprenticeship Council, created by statute to "promote an orderly development of the supply of skilled journeymen or craftsmen," is fearful that if the issue of minority apprenticeships is raised, industry and labor might withdraw from, or not join in, apprenticeship programs registered with the Council.

BLOUNT BROTHERS CORPORATION
70 COMMERCIAL STREET
MONTGOMERY, ALABAMA

WINTON M. BLOUNT
PRESIDENT

August 5, 1963

Mr. Burke Marshall
Assistant Attorney General
United States Department of Justice
Washington, D. C.

Dear Mr. Marshall:

The situation at Cleveland, Ohio, has apparently been resolved, due, in my opinion, wholly and completely to the intervention of the Department of Labor. I am more than grateful to you for responding to my telephone call of last Thursday.

Mr. Henning brought about this settlement in the meeting in the Mayor's office on Sunday. He had kept me informed all along the way and I am certain this headed off what would have been a nasty situation for everybody concerned.

With kindest regards, I am

Sincerely,

WMB

Winton M. Blount

WMB/cm

- ① Attorney General
for information
- ② Low & Kindig
- ③ Letter

FULBRIGHT, CROOKER, FREEMAN, BATES & JAWORSKI

ATTORNEYS AT LAW
BANK OF THE SOUTHWEST BUILDING
HOUSTON 2, TEXAS 77002

August 5, 1963

WASHINGTON OFFICE
FULBRIGHT, CROOKER, FREEMAN, BATES & JAWORSKI
AND ONE TRANSPORTATION BUREAU
WASHINGTON, D.C.

OFFICE OF THE ATTORNEY GENERAL
WASHINGTON, D.C.
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C.

Mr. Burke Marshall
Assistant Attorney General
United States Department of Justice
Washington, D. C. 20530

Dear Burke:

The Fifth Circuit issue has come out in the open in full bloom, and I hand you herewith two items on this subject which will interest you. You may wish to pass these on to Archie Cox for his information also.

With every good wish and kindest regards, I am

Sincerely yours,

Leon

Leon Jaworski

LJ:bs

Enclosures (2)

To Solicitor General

Misc.

DEPARTMENT OF STATE
OFFICE OF THE CHIEF OF PROTOCOL

August 6, 1963

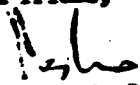
Dear Burke:

Thank you very much for your letter of July 16, which definitely clarifies the incident involving Ambassador Koubet.

Your exhaustive answer has enabled us to settle the matter with the Ambassador without any unpleasant side effects. I hope it was not too much trouble. In situations such as this your help can be invaluable to us, there being no other way of convincing the complaining party than by going through with an investigation.

Thank you again.

Your good friend,


Pedro A. Sanjuan
Director
Special Protocol Services

Mr. Burke Marshall,
Assistant Attorney General,
Civil Rights Division,
Department of Justice.

[REEL 3]

August 6, 1963

Dear Burke:

Thank you very much for your letter of July 18, which definitely clarifies the incident involving Ambassador Koubet.

Your exhaustive answer has enabled us to settle the matter with the Ambassador without any unpleasant side effects. I hope it was not too much trouble. In situations such as this your help can be invaluable to us, there being no other way of convincing the complaining party than by going through with an investigation.

Thank you again.

Your good friend,

Pedro A. Sanjuan
Director
Special Protocol Services

Mr. Burke Marshall,
Assistant Attorney General,
Civil Rights Division,
Department of Justice.

Misc.

DEPARTMENT OF JUSTICE

TO

- ☐ ATTORNEY GENERAL
☐ EXECUTIVE ASSISTANT
☐ OFFICE OF PUBLIC INFORMATION
☐ DEPUTY ATTORNEY GENERAL
☐ EXECUTIVE OFFICE—U. S. ATTORNEYS
☐ EXECUTIVE OFFICE—U. S. MARSHALS
☐ SOLICITOR GENERAL
☐ ADMINISTRATIVE DIVISION
☐ LIBRARY
☐ ANTITRUST DIVISION
☐ CIVIL DIVISION
☐ CIVIL RIGHTS DIVISION
☐ CRIMINAL DIVISION
☐ INTERNAL SECURITY DIVISION
☐ LANDS DIVISION
☐ TAX DIVISION
☐ OFFICE OF LEGAL COUNSEL
☐ OFFICE OF ALIEN PROPERTY
☐ BUREAU OF PRISONS
☐ FEDERAL BUREAU OF INVESTIGATION
☐ IMMIGRATION AND NATURALIZATION SERVICE
☐ PARDON ATTORNEY
☐ PAROLE BOARD
☐ BOARD OF IMMIGRATION APPEALS
☐ ATTENTION: _____

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- ☐ ANSWER OR ACKNOWLEDGE ON OR BEFORE _____
☐ PREPARE REPLY FOR THE SIGNATURE OF _____

REMARKS:

August 7, 1963

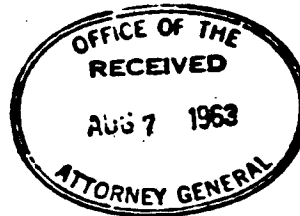
1. Attorney General:

For your information.

2. Lou Oberdorfer

3. Return.

BM



FROM _____

DEPARTMENT OF JUSTICE

<input type="checkbox"/> ATTORNEY GENERAL <input type="checkbox"/> EXECUTIVE ASSISTANT <input checked="" type="checkbox"/> OFFICE OF PUBLIC INFORMATION <input type="checkbox"/> DEPUTY ATTORNEY GENERAL <input type="checkbox"/> EXECUTIVE OFFICE-U. S. ATTORNEYS <input type="checkbox"/> EXECUTIVE OFFICE-U. S. MARSHALS <input type="checkbox"/> SOLICITOR GENERAL <input type="checkbox"/> ADMINISTRATIVE DIVISION <input type="checkbox"/> LIBRARY <input type="checkbox"/> ANTITRUST DIVISION <input type="checkbox"/> CIVIL DIVISION <input type="checkbox"/> CIVIL RIGHTS DIVISION <input type="checkbox"/> CRIMINAL DIVISION <input type="checkbox"/> INTERNAL SECURITY DIVISION <input type="checkbox"/> LANDS DIVISION <input type="checkbox"/> TAX DIVISION <input type="checkbox"/> OFFICE OF LEGAL COUNSEL <input type="checkbox"/> OFFICE OF ALIEN PROPERTY <input type="checkbox"/> BUREAU OF PRISONS <input type="checkbox"/> FEDERAL BUREAU OF INVESTIGATION <input type="checkbox"/> IMMIGRATION AND NATURALIZATION SERVICE <input type="checkbox"/> PARDON ATTORNEY <input type="checkbox"/> PAROLE BOARD <input type="checkbox"/> BOARD OF IMMIGRATION APPEALS <input type="checkbox"/> ATTENTION _____		REMARKS: <p style="text-align: right;">August 7, 1953</p> <p>Ed Guthman</p> <p>Your friend. What shall I say?</p> <p style="text-align: right;">BM</p>
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<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____ <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____	FROM _____ _____	

PILIE, NELSON AND LINES

ATTORNEYS AT LAW
702 GRAVER BUILDING
300 GRAVER STREET
NEW ORLEANS 12, LOUISIANA

August 7, 1963

TELEPHONE 520-0000
CABLE ADDRESS LINDLEY

LEONARD A. PILIE
JOHN P. NELSON, JR.
W. ARTHUR LINES
LEONARD E. LINES
J. THOMAS NELSON
ROBERT J. LAMBERT
JACOB BEUTER
CLARENCE S. CHARNICK
VINCENT A. MARSHALL

AIR MAIL

Mr. Burke Marshall
Assistant Attorney General
Attorney General's Office
Washington 25, D. C.

Dear Burke:

Yesterday afternoon I had the pleasure of spending several minutes reading about you in Life Magazine. My sincere congratulations on what you have been doing.

It is indeed a pity that I have not had an opportunity of getting to Washington so that we could visit for a few minutes. I am doing very well under the circumstances. You may know by now that I represent the Indians from Terrebonne Parish, Louisiana, who are attempting to desegregate a tri-racial school there. The case was heard this morning by Judge Christenberry, and it looks as if the system will be ordered desegregated effective this September. The Judge will issue an order this coming week.

The situation here in New Orleans has been quiet but simmering. It is expected that we will have large scale demonstrations during the early part of next week. This will be indeed an unfortunate experience for our fair city because our Mayor and other influential persons from the political and economic power structure are fully aware of the reasonableness of the Negro demands. To date the whites have refused to entertain any suggestions about how these demonstrations might be prevented. They are still using the archaic method of holding a line and hoping that this thing will blow away.

For a little news on the lighter side. On August 24 I have been invited to Dayton University where I will receive the Annual Freedom Award given

Dear Turk:
Thank you for your letter.
It was nice to hear from you.
Let me know how your suit
comes out, and if any
difficulties should be
anticipated.
I'll wait and wait
through long deliberations or
you want
fast

THE NELSON AND LINES

Mr. Burke Marshall

August 7, 1963
Page 2

by the National Catholic Social Action Committee. It is my understanding that these are "top banana" people in the Catholic community.

With kindest personal regards, I remain

Very truly yours,

John

John P. Nelson, Jr.

JPNjr:ch

Nice

August 8, 1963

Angie Novello:

I promised this lady an autographed copy of one of the books. You should send her one. I guess I must have forgotten about it. Please return the letter.

BM

Nice

August 8, 1963

MEMORANDUM FOR

BARRETT PRETTYMAN, JR.

The following two lawyers here want to help with the District programs. Mrs. Williams is a nice woman and a Negro. I think she would be good. I don't know Miss Devine. Would you have someone ask them to do something

BM



August 8, 1963

MEMORANDUM FOR

BARRETT PRETTYMAN, JR.

The following two lawyers here want to help with the District programs. Mrs. Williams is a nice woman and a Negro. I think she would be good. I don't know Miss Devine. Would you have someone ask them to do something?

BM

*All taken
care of -*

Barrett

*Also contacted Mr. Brown
of Junior Bar and Miss
Frohman of Women's Bar.*

Misc.

August 8, 1963

MEMORANDUM FOR

DAVE HACKETT

I think Joe Alsop makes a good deal
of sense although I don't know much about
Philadelphia.

BM

1
T. 8/9/63
BH:JJB:ff

Mise.
AUG 9 1963

MEMORANDUM FOR

Honorable Lee C. White
Assistant Special Counsel
to the President

This is in reference to your memorandum of August 8, 1963, requesting a draft of a suggested reply to the letter written to the President by Frederick C. Malikus, Jr., a member of the Maryland State Senate.

The assault upon Senator Malikus as described in his letter involves no violation of the laws of the United States. Accordingly, there is no jurisdictional basis for investigation by the Federal Bureau of Investigation.

I am attaching a suggested draft reply to Senator Malikus. I am also returning his letter to you.

DURKE MARSHALL
Assistant Attorney General
Civil Rights Division

Records

Chrono

Mr. Marshall ✓
Mr. Barrett
Mr. Happhy

Draft

Dear Senator Mailman:

The President has asked that I reply to your recent letter regarding the assault committed on you in Baltimore on August 2.

I can well appreciate your sense of outrage over the attack made upon you. Certainly every effort should be made to identify, apprehend and punish the perpetrators.

I have taken up with the Attorney General the question of investigating this offense. He advises me that there is no jurisdictional basis for an investigation by the Federal Government. The assault undoubtedly is a violation of the laws of Maryland. But serious though the offense is, it does not violate any law of the United States. The criminal statutes of the United States enacted by Congress are based on one or more features of federal jurisdiction such as interstate commerce, the conduct of the postal service, the war power, and other powers specifically given the Federal Government by the Constitution. No such basis for federal jurisdiction appears in the present case.

The Attorney General assures me that the cooperative facilities of the Federal Bureau of Investigation will be available to the Baltimore City Police should they have occasion to use those facilities in the course of their investigation.

Sincerely,

Lee C. White
Assistant Special Counsel
to the President

Records

Chrono

Miss

August 9, 1968

John P. Nelson, Jr., Esq.
Pille, Nelson and Limes
702 Gravier Building
535 Gravier Street
New Orleans 12, La.

Dear Jack:

Thank you for your letter. It was nice to hear from you. Let me know how your suit comes out, and if any difficulties should be anticipated.

My warmest and most thorough congratulations on your award.

Best regards,

Burke Marshall

UNITED STATES GOVERNMENT

Misc
DEPARTMENT OF JUSTICE

Memorandum

TO : Burke Marshall
Assistant Attorney General
Civil Rights Division

FROM : *[Signature]* John Barrett
Second Assistant

DATE: August 13, 1963
SJS:lah
144-16-0

SUBJECT: Request by Black Muslims to Rent the Washington Coliseum.

I took a telephone call this morning from a Mr. Doar (Phone - Liberty 7-5800), who represents Mr. Lynne, owner of the Washington Coliseum. Mr. Doar advised that they had received a telephone call from a Mr. Thompson, who is with the Board of Trade of D. C. (Phone Liberty 7-2634), inquiring whether the Coliseum could be rented by the Black Muslims for a convention. Thompson said they wanted the Coliseum for August 25 and September 1, 1963.

Mr. Lynne said they were not going to rent the Coliseum to the Muslims. Because of the proximity of the emancipation demonstration on August 28, they are fearful that there might be some trouble.

I have passed this information on to the F.B.I.

EQUAL PROTECTION OF THE LAWS

(Articles 2 and 7)

The number of desegregated southern school districts continued to increase, both through voluntary action and court decisions. With the desegregation of the University of Mississippi in the fall of 1962, only two states remained in which no educational institutions at any level had desegregated.^{1/}

The events leading up to the admission of a Negro student, James Meredith, to the University of Mississippi are significant from the point of view of federal-state relations in the United States. A private action brought by Mr. Meredith resulted in federal court orders for his admission to the University.^{2/} The Governor and other state officials, invoking the doctrines of state-rights and interposition, attempted to block these federal court orders and prevent Meredith's attendance.

The federal government, fulfilling its responsibility to enforce the laws of the United States, including orders of the federal courts, intervened, and Meredith was admitted. Federal troops and marshals remained on campus for some time to prevent further outbreak of violence which, regrettably, occurred at the time of Meredith's entrance. The Governor and Lt. Governor were found guilty of civil contempt,^{3/} and, at the court's request, criminal contempt proceedings were then instituted against them. This action is still pending.

^{1/} In these two states, Alabama and South Carolina, Universities were desegregated in 1963.

^{2/} Meredith v. Fair, 306 F. 2d 374.

^{3/} 313 F. 2d 532.

In another school case, in Louisiana, the federal government brought a contempt action against state education officials for failing to desegregate a state trade school, as had been ordered by a federal court in a private suit.^{4/} When the State Board of Education passed a formal resolution stating there would be no racial discrimination as to race, the Government agreed to dismissal of the case, but reserved the right to inspect the school records.

Significant steps in furthering school desegregation were taken by administrative action in the Office of Education and by six court actions by the Attorney General to assure that schools receiving federal funds will not discriminate on the basis of race. Various local school systems receive federal funds because they educate children of federal employees who may not be permanent residents. Several of these law suits are still pending; one of the decided cases upheld the right of the federal government to require non-discrimination in schools receiving federal aid.^{5/}

Through voluntary action and through legal action initiated by the Attorney General and the Interstate Commerce Commission, segregation in interstate transportation facilities was ended.^{6/}

In Albany, Georgia, a series of mass protests by Negroes against segregation resulted in numerous arrests and civil rights complaints. All such complaints were speedily investigated by the FBI. Although no violation of federal law was found in most cases, prosecutive steps were taken where appropriate. In August, the Government filed a friend-of-the-court brief in a suit

^{4/} Ansel v. La. State Board of Education, 287 F. 2d 33, certiorari denied, 368 U.S. 830.

^{5/} United States of America v. Prince George County School Board, ___ F. Supp. ___ (D.C. Va.), decided June 23, 1963.

^{6/} Cases decided in 1962 include:
Georgia v. United States, 201 F. Supp. 813 371 U.S. 9;
United States v. City of Brownsville, 210 F. Supp. 708 (bus);
United States v. City of Brownsville, 201 F. Supp. 540;
United States v. City of Brownsville, 210 F. Supp. 36 (airport);
United States v. Leachman, 371 U.S. 10.

brought in Albany. The brief asked the court to ignore the city's request for an injunction against demonstrations until the city first complied with the law and abandoned segregation. Throughout the Albany difficulties, the federal government consulted with leaders on both sides in an effort to encourage an amicable resolution of the racial difficulties. All matters of dispute were brought before the federal courts, where litigation is still pending. The city has meanwhile repealed its segregation ordinances.

FREEDOM OF RELIGION

(Article 18)

In June 1962, the Supreme Court of the United States decided that the State of New York could not -- consistent with the First and Fourteenth Amendments of the Federal Constitution -- require a non-denominational prayer, prepared by school authorities, to be recited aloud in school classes each day.^{7/} Other similar cases were pending at year end.

A number of cases were brought by Negro prisoners who are members of a religious sect known as the Black Muslims, challenging alleged religious discrimination against them by prison officials. Courts have upheld their right to raise this issue in the federal courts, although the findings have differed as to whether or not actual discrimination existed and the extent to which prison regulations should allow the Muslims special privileges in the practice of their religion.^{8/}

JUST AND FAVORABLE CONDITIONS OF WORK

(Articles 23 and 24)

Equal Employment Opportunity

In a case brought by a Negro pilot who was denied employment with an airline in violation of a

^{7/} Engel v. Vitale, 370 U.S. 421.

^{8/} Pierce v. LaVallee, 293 F. 2d 233, 212 F. Supp. 843; Prime v. Clegg, 296 F. Supp. 370; Sevill v. Ferguson, 291 F. 2d 196, 144 F. 2d 676.

state anti-discrimination law the State Supreme Court held 6/ that only federal controls could apply since the airline was under federal regulations. On appeal to the United States Supreme Court the Negro's rights under the state anti-discrimination law were upheld. The Court held 10/ that the state law does not frustrate the purpose of federal law and is therefore not preempted by federal legislation.

The federal government has continued its policy of seeking out qualified personnel on the basis of ability, irrespective of race. Negroes are not denied employment because of their race. Neither are they hired because of their race. This policy has resulted in notable gains for Negroes in the offices of United States Attorneys and Marshals in the Nation's 92 judicial districts.

Of the approximately 350 Assistant United States Attorneys appointed since 1961, 32 are Negroes. Of these 32, 16 were appointed in 1962, in at least seven states, including Southern and border states. Approximately 35 Negro Assistant United States Attorneys are now in service. Two Negro United States Attorneys were appointed in 1961.

Of the 114 Deputy United States Marshals appointed since 1961, 14 are Negroes. Of these, 11 were appointed in 1962. Approximately 30 Negro Deputy Marshals are now in service. Improved hiring practices within federal agencies have resulted in continued gains for Negroes. For example, there were 10 Negro attorneys in the Department of Justice in 1961. Now there are more than 70, out of approximately 1,900 in the Department.

The appointment of Negroes to distinguished positions in the Government is continuing.

9/ Green v. Colorado Anti-Discrimination Commission and Continental Airline, 368 P. 2d, 670 (1962).

10/ Colorado Anti-Discrimination Commission v. Continental Airline, 372 U.S. 714 (April, 1963).

GOVERNMENT BY THE WILL OF THE PEOPLE

(Article 21)

The 1962 Congress approved legislation which would amend the Constitution by prohibiting states to require payment of poll tax as a prerequisite to voting. The proposed Amendment has been submitted to the states for ratification.

During 1962, eight new cases were brought under the Civil Rights Acts of 1957 and 1960 to end racial discrimination in voting in southern states. In two of these cases, the constitutionality of state laws is challenged.^{11/} The other cases involve discriminatory practices or attempts at intimidation. Decisions rendered in 1962 in earlier cases have resulted in marked improvement in Negro registration, but additional legislative tools are needed. Proposals made in 1962 were not acted upon by Congress. Similar proposals are now under consideration by the the 1963 session of Congress.

FREEDOM OF SPEECH, PRESS AND ASSOCIATION

(Articles 18, 19, and 29)

A large part of the private litigation for civil rights in the United States is initiated by a private organization, the National Association for the Advancement of Colored People, which provides legal services for Negroes whose rights have allegedly been violated. A state law of Virginia, enacted in 1956, made it illegal for a person or corporation to solicit or procure business for an attorney. Reversing the State Court, the Supreme Court of the United States held^{12/} that the statute was unconstitutional as applied to the NAACP. The NAACP is an association for political expression through litigation, the Court stated, and such expression is protected by the First and Fourteenth Amendments. The State law thus unduly inhibited the freedom of expression and association of Virginia Negroes.

^{11/} U. S. v. Louisiana (S.D. La.) and U.S. v. Mississippi (S.D. Miss.).

^{12/} NAACP v. Button, 371 U.S. 415 (1/14/63).

Mise
AUG 14 1963

T-8/6/63

Herbert A. Schlei
Assistant Attorney General
Office of Legal Counsel

BM:LLS:gmm

Burke Marshall
Assistant Attorney General
Civil Rights Division

Preparation of material for the 1962 United Nations
Yearbook on Human Rights

Attached is the information on the above
subject requested in your memorandum of July 16,
1963.

cc: Records
Chrono
Greene(2)
Blair
✓ Marshall

CIVIL RIGHTS DIVISION

NEGRO SUMMER EMPLOYEES

2 - GS-2

Celestine Arrington
Ruby Lee Hages

2 - GS-4

James A. Thomas
John W. Walker

Total number of Summer Employees - 22

Total number of Negro Summer Employees - 4

CIVIL RIGHTS DIVISION

NEGRO EMPLOYEES

Attorneys

1 - GS-15	Maceo W. Hubbard
1 - GS-12	Gerald W. Jones
1 - GS-9	Thelton E. Henderson

Clerical

2 - GS-7	G. LaVerne Williams
	Shirley T. Jones
2 - GS-6	Sarah B. Hood
	Arlene S. Hudson
10 - GS-5	Regina E. Bailey
	Hattie Y. Ballard
	Sylvia A. Battle
	Marjorie R. Crutchfield
	Irma W. Davis
	Maude E. Patrick
	Emmy K. Shackelford
	Delores Taylor
	Virginia T. Thomas
	Josephine T. Trimier
5 - GS-4	Catherine L. Day
	Barbara E. Gross
	Lydia A. Hill
	Sudie W. Hooper
	Sarah W. Jones
8 - GS-3	Charlotte E. Dudley
	Delores Dunn
	Jaronsa E. Ellis
	Veronica T. Mason
	George E. Roberts
	Martha Robinson
	Barbara A. Steward
	Vivian Toler
1 - GS-2	Douglas H. Banks
1 - GS-1	Reginald T. Hammond

Totals as of August 18, 1963	Negro Attorneys - 3
	Negro Clerical - 29
	Total Negro Employees - 32
	Total Division Employees - 103

August 15, 1963

Mr. Marshall this is a list of the topics which Congressman Diggs would like to discuss with you on the 20th of August:

1. Clarification of the power of the Federal Government to intervene when local law enforcement officers practice brutality.
2. The use of southern FBI agents for investigative purposes of civil rights cases
3. What recourse does one have in cases such as the Clarksdale fire bombing where the defendants were exonerated despite ample evidence for conviction.
4. The status of Negro staff people in the Civil Rights Div.

[illegible]

Dear Mr. Marshall;

Several of us from Memphis had a long talk with Judge Wilson Tuesday night, trying to analyze the prospects of the Democrats in the future- by that I mean the national Democrats, not the Southern Democrats. As a result of this and numerous other discussions over the state going on simultaneously this is the situation as we see it:

Without Sen. Kefauver in the Senate we feel Sen. Gore will be influenced more and more into anti-administration votes- and at the same time will be more vulnerable to Republican attack in Nov. '64. Only a positive, Democratic stand on the big issues can mobilize those people who have supported Kefauver and the administration in the past and only a very strong person can do this. Edmund Vergill could possibly have done this but physically he cannot stand a state wide race and his age (63) is against him. That leaves Judge Wilson as the only person who can do the job, in our opinion. Though he has been

Mrs. Lawrence Cox
3580 Watauga Avenue
Memphis 11, Tennessee

an excellent judge we just don't think the party can win out here without his vigorous political leadership. I am convinced that he himself realizes this - both from my conversations with him and from a telephone conversation with his ex-law partner, Gene Joyce, in Oak Ridge Friday. The practical point here is when he would have to resign the judgeship and how he could get along while campaigning. Even if we in the state could raise the additional funds for a year (which we think we could), how will this look and what effect will it have with the voters?

It is our opinion that Ross Bass would not be able to bind together the necessary support that we would have a repeat of last summer's divided governor's race. We hope he will be offered and will accept the Postmaster General's office. His position from Middle Tennessee is against him and also the general feeling that he does not have the necessary weight.

I am aware of the delicate situation with the governor. We only hope down here that you are aware of the kind of politics he plays with the East Tennessee Republicans.

Right now we are urging Ed Crill to run for mayor this Fall - as a rallying force to help us next summer and in the Fall of 67. We think this would help us get a good man elected from the 9th District - and we have quite a good crop available here.

Sincerely yours,
Frances Cox (Mrs. Lawrence)

(over)

Both Russell Sugarmore and A. W. Wells
been in meetings here this week in talking
about both the Ogilvie and Wilson candidacies
and seem to approve of this strategy.

al Democr
Jack Wilson fo
Chittenden's Field
No'll Make an Early D
by some service. Pres
panel during the election
policy board the "John S
policy board the "John S

Liberal Democrats Will Pick Wilson for Senate

Chattanooga's Friends Hope
He'll Make an Early Decision

By JOHN SPERRY, Press-Scimitar Staff Writer

Federal District Judge Frank Wilson of Chattanooga is rapidly becoming the choice candidate of many of the state's liberal Democrats—the "Kefauver Democrats"—for the party nomination for United States Senator in next year's primary.

Judge Wilson has known strong support in Memphis, in Carroll and Dyer Counties, in Nashville and Middle Tennessee as well as in both upper and lower East Tennessee.

The 45-year-old jurist practiced law and entered politics in Knoxville after World War II. He moved to Oak Ridge a year or two later.

Led Estes Campaign

He was a leader in the late Sen. Estes Kefauver's 1948 campaign for the Senate. He made a race of his own for Congress against Republican Howard Baker in 1950. He lost, but Baker's margin was the narrowest any Republican has experienced in the Second District in this century.

Wilson managed East Tennessee campaigns for Sen. Gore and Kefauver and for Edmund Orgill in 1952, '54, '56 and '60.

Sens. Gore and Kefauver, with hearty support from the Kennedy Administration, sought and secured his appointment to the Chattanooga district judgeship in '61.

Friends of Kefauver, in widely separated meetings across the state since Tuesday, which was the day of the Senator's funeral, have arrived independently at the conclusion that Wilson is the best candidate they could back in '64. Telephone talks between members of the groups have brought the consensus to light.

Wilson's life tenure in the well-paid federal judiciary caused the Gore-Orgill-Kefauver supporters to doubt, at first, that Judge Wilson could be persuaded to run.

May Be Persuaded

But they have talked with him, with his brother, Knoxville Atty. Bill Wilson, and his close friends and concluded it is worthwhile to try to persuade the Judge to resign the federal post early next year.

Congressman Ross Bass' announced interest in running makes an early decision by Wilson necessary. Bass, as a Middle Tennessean, would be at a disadvantage because Sen. Gore is also a Middle Tennessean, and the record shows that the voters of Tennessee have not, in this century, elected two senators from the same Grand Division of the state.



FRANK WILSON

DEPARTMENT OF JUSTICE
ROUTING SLIP

THE A.F.L.-C.I.O.

NAME	BUILDING AND ROOM
Ed Guthman	
1.	
2.	
3.	
4.	
5.	

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

20 August

Ed:

Your friend. What shall I say?

BM

FROM

NAME	BUILDING, ROOM, EXT.	DATE

Miss

28 August 1963

Mrs. Lawrence Coe
3520 Watauga Avenue
Memphis 11, Tennessee

Dear Mrs. Coe:

Thank you for your letter. It was nice
to hear from you again, even though the
Governor acted on the same day your letter
arrived.

Sincerely,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Misc.

NATIONAL BROADCASTING COMPANY, INC.

A SERVICE OF RADIO CORPORATION OF AMERICA

PCA Building, Radio City, New York 20, N.Y.

CIRCLE 7-8300

August 22, 1963

Mr. Burke Marshall
Civil Rights Division
Department of Justice
Constitution Ave. betw. 9th & 10th Sts.
Washington, D. C.

Dear Mr. Marshall:

I would like to call your attention to an unusual three-hour program to be presented on the NBC Television Network on Monday, September 2, from 7:30 to 10:30 p.m. EDT.

We feel that the importance of its subject, the civil rights issue, warrants a program of this unprecedented length and placement, pre-empting as it will our entire schedule of programming that night.

We hope, in fact, that the program will be a major step in the effort to keep Americans informed on what is certainly one of the most significant developments, perhaps even the overriding development, of our time.

The program is titled "The American Revolution of '63." It will examine the events of this revolution as they have occurred in all parts of the country and it will explore the varying positions and public attitudes regarding the central issue.

The scope of the program -- and the problem it will deal with -- is indicated by the fact that it will require the services of all our correspondents in this country and many of those abroad.

I hope you will be able to view this program and I hope that, from time to time in the future, I may take the liberty of calling your attention to other NBC News programs that may be of interest to you.

Sincerely,



William R. McAndrew
Executive Vice President
NBC News Division

Misc.

22 August 1963

Honorable Asa D. Kelley, Jr.
Attorney at Law
Smith, Gardner, Kelley & Viggles
Post Office Box 1025
Albany, Georgia

Dear Mr. Mayan:

This is in reply to your letter of July 24 written in the interest of Mr. Cleo E. Lovett who is presently confined at the Federal Correctional Institution, Tallahassee, Florida. I have examined this case in detail and find that the U.S. Board of Parole has twice reviewed the circumstances of Mr. Lovett's conviction and confinement and has, on both occasions, denied parole. While the specific reasons for denial have not been given, it is a fact that Mr. Lovett has been confined on several previous occasions for similar offenses.

Even if the Parole Board does not revise its decision later, the normal release date for Mr. Lovett will be some time in April of 1964. The Tallahassee Institution has a modern, fully equipped hospital and a competent medical staff of Public Health Service officers who are available for continued observation and treatment of Mr. Lovett's heart condition. This should enable him to gain in health and strength prior to his release.

We appreciate your interest and expression of friendship for Mr. Lovett.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

Misc

23 August 1963

MEMORANDUM TO MR. KATZENBACH

Notes

Yesterday the Attorney General and I discussed with Bernie Boutin a proposal that he has to require non-discrimination as a condition for the various disposals of real and personal surplus property which he made. In this connection I raised with him the possible effect of the inclusion of religion in Title VI. At the time he did not think it a serious problem. Since then he has gone over it with his general counsel and they are of the view that it would be a very serious problem.

BM

(Dictated but not reviewed by BM)

27 August 1963

Benjamin B. Taylor, Jr., Esquire
Taylor, Porter, Brooks, Fuller & Phillips
Louisiana National Bank Building
Baton Rouge 2, Louisiana

Dear Mr. Taylor:

Thanks for the letter and the clippings.

You are doing your city and all of us a great
service.

Very truly yours,

Burke Marshall
Assistant Attorney General
Civil Rights Division

ltr. and clips to Frank Dunbough